



House of Lords  
House of Commons  
Joint Committee on  
Human Rights

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**Government Response  
to the Committee's  
Twenty-First Report of  
Session 2006-07:  
Human Trafficking:  
Update**

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**Fourth Report of Session 2007-08**





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**Fourth Report of Session 2007-08**

*Report, together with formal minutes and  
appendix*

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## Joint Committee on Human Rights

The Joint Committee on Human Rights is appointed by the House of Lords and the House of Commons to consider matters relating to human rights in the United Kingdom (but excluding consideration of individual cases); proposals for remedial orders, draft remedial orders and remedial orders.

The Joint Committee has a maximum of six Members appointed by each House, of whom the quorum for any formal proceedings is two from each House.

### Current Membership

#### HOUSE OF LORDS

Lord Dubs  
Lord Fraser of Carmyllie  
Lord Lester of Herne Hill  
Lord Morris of Handsworth OJ  
The Earl of Onslow  
Baroness Stern

#### HOUSE OF COMMONS

John Austin MP (Labour, *Erith & Thamesmead*)  
Mr Douglas Carswell MP (Conservative, *Harwich*)  
Mr Andrew Dismore MP (Labour, *Hendon*) (Chairman)  
Dr Evan Harris MP (Liberal Democrat, *Oxford West & Abingdon*)  
Virendra Sharma MP (Labour, *Ealing, Southall*)  
Mr Richard Shepherd MP (Conservative, *Aldridge-Brownhills*)

### Powers

The Committee has the power to require the submission of written evidence and documents, to examine witnesses, to meet at any time (except when Parliament is prorogued or dissolved), to adjourn from place to place, to appoint specialist advisers, and to make Reports to both Houses. The Lords Committee has power to agree with the Commons in the appointment of a Chairman.

### Publications

The Reports and evidence of the Joint Committee are published by The Stationery Office by Order of the two Houses. All publications of the Committee (including press notices) are on the internet at [www.parliament.uk/commons/selcom/hrhome.htm](http://www.parliament.uk/commons/selcom/hrhome.htm).

### Current Staff

The current staff of the Committee are: Mark Egan (Commons Clerk), Bill Sinton (Lords Clerk), Murray Hunt (Legal Adviser), Angela Patrick and Joanne Sawyer (Committee Specialists), Jackie Recardo (Committee Assistant), Karen Barrett (Committee Secretary) and Jacqueline Baker (Senior Office Clerk).

### Contacts

All correspondence should be addressed to The Clerk of the Joint Committee on Human Rights, Committee Office, House of Commons, 7 Millbank, London SW1P 3JA. The telephone number for general inquiries is: 020 7219 2467; the Committee's e-mail address is [jchr@parliament.uk](mailto:jchr@parliament.uk).

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# 1 Report

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Under cover of a letter dated 18 December 2007 from Vernon Coaker MP, Parliamentary Under-Secretary of State at the Home Office, we received the Government's Response to our Twenty-first Report of Session 2006-07, *Human Trafficking: Update* (HL Paper 179, HC 1056). We publish the Minister's letter and the Government Response as an Appendix to this Report. We will comment as appropriate on this Response in future Reports which we publish dealing with human trafficking.

# Formal Minutes

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**Wednesday 9 January 2008**

Members present:

Mr Andrew Dismore MP, in the Chair

Lord Dubs	John Austin MP
Lord Fraser of Carmyllie	Dr Evan Harris MP
The Earl of Onslow	
Baroness Stern	

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Draft Report [Government Response to the Committee's Twenty-First Report of this Session: Human Trafficking: Update] proposed by the Chairman, brought up and read the first and second time, and agreed to.

*Resolved*, That the Report be the Fourth Report of the Committee to each House.

A Paper was ordered to be appended to the Report.

*Ordered*, That the Chairman make the Report to the House of Commons and that Baroness Stern make the Report to the House of Lords.

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[Adjourned till Monday 14 January at 4pm.]

## Appendix

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### **Response from Vernon Coaker MP, Parliamentary Under Secretary of State, Home Office**

Since the publication of the JCHR's first report in October 2006 there have been a number of important developments in the Government's human trafficking strategy. These include the publication of the UK Action Plan on tackling human trafficking on the 23<sup>rd</sup> March 2007 and the signature, on the same day of the Council of Europe Convention on Action against trafficking in human beings.

We are now actively involved in implementing the commitments set out in the UK Action Plan in the key areas of prevention, investigation, enforcement and prosecution, provision of protection and assistance to victims and child trafficking. In addition, we have also established a dedicated team to take forward the implementation of the Council of Europe Convention and an inter departmental board of senior officials from across Whitehall and the devolved administrations to direct and co-ordinate the implementation process. The Inter-Departmental Ministerial Group on human trafficking which I currently chair monitors progress both on the Action Plan and with the implementation of the Convention.

I assure you we remain committed to tackling this terrible crime and ensuring that our end to end strategy as outlined in the Action Plan has an impact on the ground and continues to have a victim centred focus.

I enclose the Government's response to the further recommendations you make in the update report and look forward to our continuing dialogue on this important issue.

### **The Government response to the Conclusions and Recommendations in the Update Report on Human Trafficking.**

**1. The Council of Europe Convention on Human Trafficking should be ratified as soon as possible and a target date should be announced for ratification along with a ratification plan.**

The Government agrees that the Convention should be ratified as soon as possible. Before formally ratifying, the Government is committed to implementing it fully in accordance with its ongoing strategy on trafficking. Our legal system and long established practice effectively prevent us from ratifying an international treaty until we are fully compliant because the rights and obligations a treaty sets out can only be realised through our domestic law. Other signatories, can ratify much more easily because it is the act of ratification that incorporates the treaty into domestic law.

Implementation is a key part of the comprehensive UK Action Plan on Tackling Human Beings, which is regularly reviewed. In many respects the UK is already compliant with the Convention but there are some difficult issues that need to be resolved. The complexity of some of the issues, e.g. around identification, victim rights provisions, the need for limited secondary and primary legislation and to fully consult stakeholders, within Government,

devolved administrations and the voluntary sector, means ratification will take time . We want to ratify as soon as we can but are determined to get the arrangements right before doing so.

There is no loss of sight in taking forward the necessary work on implementation of the Convention. A dedicated project team is leading delivery of the changes needed to comply with the Convention and is reporting to a cross-government officials project board and Ministerial Group. As implementation options are developed we will continue to consult with a range of stakeholders, including via our established Non Governmental Organisation (NGO) stakeholder group, chaired by Home Office Minister Vernon Coaker, and the Solicitor - General. We will provide a further update to the JCHR early in 2008 with a more detailed legislative plan for implementation.

**2. Protection of victims should be incorporated into the legislative framework, particularly in relation to immigration law. We seek the Governments' confirmation that this will be done as part of the process of ratifying the Council of Europe Convention**

The Government remains clear that the response to trafficking should be primarily about protecting victims of crime and bringing those who exploit them to justice. Many victims are foreign nationals and under the Convention being a victim may have a number of immigration implications. There is a clear need for wide consultation on how to recognise and provide for the needs of victims of trafficking within existing victim care, immigration and labour market arrangements. We are investigating what all the options are, what impact they would have and what legislative or procedural changes might be required to make them a success.

**3. We would welcome an early indication from Government of how Article 13 of the Convention, relating to the recovery and reflection period, will be implemented in UK law.**

The ongoing police led, multi agency Operation Pentameter 2 has provided us with an opportunity to pilot some elements of the Convention, including a process of victim identification and a period of at least 30 days for victims to reflect and start to make a recovery. Consulting on options and testing them in real operations is part of our strategy to ensure that the process we finally adopt is fit for purpose and as simple and cost effective as possible. The results of this pilot and wider discussions will inform how we establish UK compliance with Article 13.

**4. We again urge the Government to drop its reservation to the UN Convention on the Rights of the Child, in order to ensure that the protection of the child victims of trafficking is not compromised in any way.**

The UK provides for children, who arrive in the UK and remain here lawfully, through processes that are intended to be consistent with the Convention. The care and welfare arrangements for those children who are present in the United Kingdom in breach of UK Immigration Rules are also considered to be consistent with the Convention. The interests and rights of asylum seeking children and young people are fully respected. The key human rights of children are protected under the Human Rights Act 1998, which applies,

without exception, to all children in the UK. Children are also protected under the 1951 UN Convention on Refugees and the European Convention on Human Rights.

The UK Government's view is that effective immigration control could be compromised were it to withdraw or narrow the extent of the general Reservation with regard to matters of immigration or nationality. The partial reservations entered by other states demonstrate that the United Kingdom is not alone in this belief. Other European States have restricted, in various ways, the effect of the Convention on their immigration and/or nationality legislation. However, the Reservation on Article 22 needs to be considered within the context of the law and practices of the United Kingdom. Removal of the Reservation would allow others an additional opportunity to intervene in immigration processes. There is a risk that this would, on occasions, be used to frustrate effective immigration control. We do not believe that the effect of the Reservation extends beyond matters of immigration and nationality, by reason of the various Children Acts and orders, the effect of which apply equally to all children within the United Kingdom's boundaries, regardless of their immigration status or citizenship.

The UK Government has now legislated to place a specific statutory child safeguarding duty on the Border and Immigration Agency (BIA).

The UNCRC was not intended to provide new immigration and nationality rights, and the UK Government believes that its Reservation to the Convention is necessary in the interest of effective immigration control. However the UK Government believes that, notwithstanding the Reservation, there are appropriate social and legal mechanisms in place to ensure that all children present in the UK receive appropriate levels of protection and care. The UK Government is also of the view that the UNCRC reservation will not affect the full application of the Council of Europe Convention on Action against Trafficking in Human Beings.

**5. We recommend that the Government act positively to initiate and assist projects to support the victims of human trafficking and keep us informed of what is being done, including funding arrangements and access criteria.**

Around £230 million is spent annually on supporting and compensating victims of crime.

The Government has funded the Poppy project to support adult women trafficked into the UK for sexual exploitation since 2003. In 2006 Eaves Housing for Women received a grant of £2.4 million to expand the services provided and financially secure the project until 2008. The Government is investing an additional £100K to top-up the grant during Pentameter 2. This takes the total investment to £4.5 million in the last five years.

However we also recognise the importance of integrating the needs of these victims into our wider local arrangements for victims of crime and Pentameter 2 provides an opportunity to help develop these local partnerships. The Council of Europe Convention imposes a framework for the provision of minimum rights to all identified victims of trafficking. We have given our commitment to implement the Convention which will enhance our existing arrangements.

**6. We recommend that the Government publish an annual report to Parliament on its work in combating human trafficking and helping victims, based on the Action Plan**

**published earlier this year, and including an account of the activities of the UK Human Trafficking Centre.**

We welcome the interest of the JCHR, the All Party Parliamentary Group and Parliament generally in the subject of human trafficking and regularly provide information about progress in this area to interested parties through a variety of mechanisms. The UK Action Plan draws together all the work that is underway across government and in other agencies on human trafficking and will be updated annually with copies being sent to the JCHR as well as being deposited in the House libraries. In addition to the update provided in the Action Plan, the UK Human Trafficking Centre plan to publish an annual report of their activities at the end of the financial year.

# Reports from the Joint Committee on Human Rights in this Parliament

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## The following reports have been produced

### Session 2007-08

First Report	Government Response to the Committee's Eighteenth Report of Session 2006-07: The Human Rights of Older People in Healthcare	HL Paper 5/HC 72
Second Report	Counter-Terrorism Policy and Human Rights: 42 days	HL Paper 23/HC 156
Third Report	Legislative Scrutiny: 1) Child Maintenance and Other Payments Bill; 2) Other Bills	HL Paper 28/ HC 198
Fourth Report	Government Response to the Committee's Twenty-First Report of Session 2006-07: Human Trafficking: Update	HL Paper 31/ HC 220

### Session 2006-07

First Report	The Council of Europe Convention on the Prevention of Terrorism	HL Paper 26/HC 247
Second Report	Legislative Scrutiny: First Progress Report	HL Paper 34/HC 263
Third Report	Legislative Scrutiny: Second Progress Report	HL Paper 39/HC 287
Fourth Report	Legislative Scrutiny: Mental Health Bill	HL Paper 40/HC 288
Fifth Report	Legislative Scrutiny: Third Progress Report	HL Paper 46/HC 303
Sixth Report	Legislative Scrutiny: Sexual Orientation Regulations	HL Paper 58/HC 350
Seventh Report	Deaths in Custody: Further Developments	HL Paper 59/HC 364
Eighth Report	Counter-terrorism Policy and Human Rights: Draft Prevention of Terrorism Act 2005	HL Paper 60/HC 365
Ninth Report	The Meaning of Public Authority Under the Human Rights Act	HL Paper 77/HC 410
Tenth Report	The Treatment of Asylum Seekers: Volume I Report and Formal Minutes	HL Paper 81-I/HC 60-I
Tenth Report	The Treatment of Asylum Seekers: Volume II Oral and Written Evidence	HL Paper 81-II/HC 60-II
Eleventh Report	Legislative Scrutiny: Fourth Progress Report	HL Paper 83/HC 424
Twelfth Report	Legislative Scrutiny: Fifth Progress Report	HL Paper 91/HC 490
Thirteenth Report	Legislative Scrutiny: Sixth Progress Report	HL Paper 105/HC 538
Fourteenth Report	Government Response to the Committee's Eighth Report of this Session: Counter-Terrorism Policy and Human Rights: Draft Prevention of Terrorism Act 2005 (Continuance in force of sections 1 to 9 order 2007)	HL Paper 106/HC 539
Fifteenth Report	Legislative Scrutiny: Seventh Progress Report	HL Paper 112/HC 555
Sixteenth Report	Monitoring the Government's Response to Court Judgments Finding Breaches of Human Rights	HL Paper 128/HC 728
Seventeenth Report	Government Response to the Committee's Tenth Report of this Session: The Treatment of Asylum	HL Paper 134/HC 790

	Seekers	
Eighteenth Report	The Human Rights of Older People in Healthcare: Volume I- Report and Formal Minutes	HL Paper 156-I/HC 378-I
Eighteenth Report	The Human Rights of Older People in Healthcare: Volume II- Oral and Written Evidence	HL Paper 156-II/HC 378-II
Nineteenth Report	Counter-Terrorism Policy and Human Rights: 28 days, intercept and post-charge questioning	HL Paper 157/HC 394
Twentieth Report	Highly Skilled Migrants: Changes to the Immigration Rules	HL Paper 173/HC 993
Twenty-first Report	Human Trafficking: Update	HL Paper 179/HC 1056

#### Session 2005-06

First Report	Legislative Scrutiny: First Progress Report	HL Paper 48/HC 560
Second Report	Deaths in Custody: Further Government Response to the Third Report from the Committee, Session 2004-05	HL Paper 60/HC 651
Third Report	Counter-Terrorism Policy and Human Rights: Terrorism Bill and related matters Volume I Report and Formal Minutes	HL Paper 75-I/HC 561-I
Third Report	Counter-Terrorism Policy and Human Rights: Terrorism Bill and related matters Volume II Oral and Written Evidence	HL Paper 75-II/HC 561-II
Fourth Report	Legislative Scrutiny: Equality Bill	HL Paper 89/HC 766
Fifth Report	Legislative Scrutiny: Second Progress Report	HL Paper 90/HC 767
Sixth Report	Legislative Scrutiny: Third Progress Report	HL Paper 96/HC 787
Seventh Report	Legislative Scrutiny: Fourth Progress Report	HL Paper 98/HC 829
Eighth Report	Government Responses to Reports from the Committee in the last Parliament	HL Paper 104/HC 850
Ninth Report	Schools White Paper	HL Paper 113/HC 887
Tenth Report	Government Response to the Committee's Third Report of this Session: Counter-Terrorism Policy and Human Rights: Terrorism Bill and related matters	HL Paper 114/HC 888
Eleventh Report	Legislative Scrutiny: Fifth Progress Report	HL Paper 115/HC 899
Twelfth Report	Counter-Terrorism Policy and Human Rights: Draft Prevention of Terrorism Act 2005 (Continuance in force of sections 1 to 9) Order 2006	HL Paper 122/HC 915
Thirteenth Report	Implementation of Strasbourg Judgments: First Progress Report	HL Paper 133/HC 954
Fourteenth Report	Legislative Scrutiny: Sixth Progress Report	HL Paper 134/HC 955
Fifteenth Report	Legislative Scrutiny: Seventh Progress Report	HL Paper 144/HC 989
Sixteenth Report	Proposal for a Draft Marriage Act 1949 (Remedial) Order 2006	HL Paper 154/HC 1022
Seventeenth Report	Legislative Scrutiny: Eighth Progress Report	HL Paper 164/HC 1062
Eighteenth Report	Legislative Scrutiny: Ninth Progress Report	HL Paper 177/HC 1098
Nineteenth Report	The UN Convention Against Torture (UNCAT) Volume I Report and Formal Minutes	HL Paper 185-I/HC 701-I
Twentieth Report	Legislative Scrutiny: Tenth Progress Report	HL Paper 186/HC 1138

Twenty-first Report	Legislative Scrutiny: Eleventh Progress Report	HL Paper 201/HC 1216
Twenty-second Report	Legislative Scrutiny: Twelfth Progress Report	HL Paper 233/HC 1547
Twenty-third Report	The Committee's Future Working Practices	HL Paper 239/HC1575
Twenty-fourth Report	Counter-Terrorism Policy and Human Rights: Prosecution and Pre-Charge Detention	HL Paper 240/HC 1576
Twenty-fifth Report	Legislative Scrutiny: Thirteenth Progress Report	HL Paper 241/HC 1577
Twenty-sixth Report	Human trafficking	HL Paper 245-I/HC 1127-I
Twenty-seventh Report	Legislative Scrutiny: Corporate Manslaughter and Corporate Homicide Bill	HL Paper 246/HC 1625
Twenty-eighth Report	Legislative Scrutiny: Fourteenth Progress Report	HL Paper 247/HC 1626
Twenty-ninth Report	Draft Marriage Act 1949 (Remedial) Order 2006	HL Paper 248/HC 1627
Thirtieth Report	Government Response to the Committee's Nineteenth Report of this Session: The UN Convention Against Torture (UNCAT)	HL Paper 276/HC 1714
Thirty-first Report	Legislative Scrutiny: Final Progress Report	HL Paper 277/HC 1715
Thirty-second Report	The Human Rights Act: the DCA and Home Office Reviews	HL Paper 278/HC 1716